STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **September 12, 2022**, at 5:00 PM, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Javier Villalobos, Mayor Pro Tem Joaquin Zamora, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Commissioner Omar Quintanilla

Staff: City Manager Roy Rodriguez, City Attorney Isaac Tawil, Assistant City Manager Michelle Rivera, Assistant City Manager Jeff Johnston, Assistant City Manager Joe Vera, City Secretary Perla Lara, City Engineer Eduardo Mendoza, Planning Director Edgar Garcia, Finance Director Sergio Villasana

CALL TO ORDER

Mayor Javier Villalobos called the meeting to order.

PRESENTATIONS

RECOGNITION OF TEAM MCALLEN ATHLETES AND THE TAAF REGION 2 MALE ATHLETE OF THE YEAR - AYDEN GRANADOS

Staff recognized Team McAllen Athletes and TAAF Region 2 Male Athlete of the Year - Ayden Granados.

RECOGNITION OF THE OFFICE OF COMMUNICATIONS FOR NATIONAL ASSOCIATION OF TELECOMMUNICATION OFFICERS AND ADVISORS AND CITY COUNTY COMMUNICATORS MARKETING ASSOCIATION AWARDS

Staff recognized the Office of Communications for National Association of Telecommunication Officers and Advisors and City County Communicators Marketing Association Awards.

PROCLAMATION

NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

Commissioner Jose R. "Pepe" Cabeza de Vaca read and presented a proclamation for National Day of Remembrance for Murder Victims.

AGENDA ITEM PUBLIC COMMENT (INDIVIDUALS WISHING TO SPEAK REGARDING AN AGENDA ITEM ON TODAY'S AGENDA, PLEASE CONTACT CITY SECRETARY BEFORE 5:00PM)

1. PUBLIC HEARING

Mayor Javier Villalobos called the Public Hearing to order.

A) ROUTINE ITEMS: (ALL REZONINGS AND CONDITIONAL USE PERMITS LISTED UNDER THIS SECTION COME WITH A FAVORABLE RECOMMENDATION FROM THE PLANNING & ZONING COMMISSION AND WILL BE ENACTED BY ONE MOTION. HOWEVER, IF THERE IS OPPOSITION AT THE MEETING OR A DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE ROUTINE ITEMS SECTION OF THE AGENDA AND WILL BE CONSIDERED SEPARATELY.)

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda.

Mayor Pro Tem Joaquin Zamora moved to approve the items listed on the Routine Items section of the agenda and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: 18.239 ACRES OUT OF LOT 11, SECTION 280, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 2433 SH 107.

Approved the R-3A Zoning at 2433 SH 107, as per Planning and Zoning Commission.

2. REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 20.0 ACRES OUT OF SECTION 227, TEXAN MEXICAN RAILWAY COMPANY'S SURVEY, HIDALGO COUNTY, TEXAS; 14301 NORTH SHARY ROAD.

Approved the R-1 Zoning at 14301 North Shary Road, as per Planning and Zoning Commission.

3. REQUEST OF BOGGUS MS PROPERTIES LLC IN C/O CALIBER COLLISION, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE FOR AUTOMOTIVE SERVICE AND REPAIR (AUTO BODY REPAIR FACILITY) AT LOTS 13-16 WHALEN'S ACRES SUBDIVISION, HIDALGO COUNTY, TEXAS; 300 SOUTH WHALEN ROAD.

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for an automotive service and repair (Auto Body Repair Facility) at 300 South Whalen Road, as per Planning and Zoning Commission.

The business must meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

1) A minimum lot size of 10,000 sq. ft. is required. The subject property is approximately 14,000 sq. ft.
2) All service, repair, maintenance, painting, and other work shall take place within an enclosed area. The applicant is proposing to work inside the main structure.
3) Outside storage of materials is prohibited. The applicant indicated that there would be no outside storage including vehicles
4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building is adjacent to a C-3 district and a R-3C to the southwest.
5) A 6 ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required. There is an existing chain link fence.
6) New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

B) REZONINGS:

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOTS 7 AND 8, SAVE AND EXCEPT THE NORTH 15 FEET OF LOT 8, BLOCK 1, RENKEN'S ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 601 NORTH 9TH STREET.

Staff recommended disapproval of the C-3 zoning at 601 North 9th Street, as per Planning and Zoning Commission.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda. Mr. Jesus Gonzalez spoke in favor of the request. Mr. Zepeda spoke in opposition of the request.

After due consideration, Mayor Pro Tem Joaquin Zamora moved to table and send back to Planning & Zoning for reconsideration and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

2. INITIAL ZONING TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL) DISTRICT: 19.953-ACRE TRACT (20.0 ACRES RECORDED) OF LAND, BEING OUT OF THE WEST HALF OF LOT 13 SECTION 280, TEXAS-MEXICAN RAILWAY SUBDIVISION, HIDALGO COUNTY, TEXAS; 2700 SPRAGUE ROAD. (TABLED)

Mayor Pro Tem Joaquin Zamora moved to remove said item from the agenda and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

C) **CONDITIONAL USE PERMITS:**

1. REQUEST OF RAMON R. MARTINEZ FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A FOOD TRUCK PARK AT LOT 1, VALLEY SALVAGE CENTER SUBDIVISION, HIDALGO COUNTY, TEXAS; 701 EAST HIGHWAY 83.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for one year, for a food truck park at 701 E. Highway 83, as per Planning and Zoning Commission.

The food truck park and its vendors must comply with the requirements set forth in Section 54-51 of the Zoning Ordinance for mobile food vendors and the following specific requirements:

1) The property line of the lot must be at least 200 feet from the nearest residence or residentially zoned property.
2) The name, address, phone number and email address of a contact person who shall be available 24 hours per day, 7 days per week for the purposes of responding to complaints regarding the operation of the mobile food vendor court.
3) Mobile food vendor courts shall not operate between the hours of 2:00 AM and 7:00 AM.
4) Each mobile food vendor court shall provide access to a restroom on or within 600 feet of the property lines of the track of land on which it is situated.
5) Mobile food vendor courts must provide one (1) garbage receptacle, to hold a minimum of thirteen (13) gallons, per each vendor located on premises for public use. This requirement is in addition to the receptacles required of each individual vendor.
6) Mobile food trucks may not be placed or parking on unimproved surfaces.
7) Adequate lighting, as determined by the health Director, to enable clear and unobstructed visibility of mobile food vendors and patrons shall be provided at all entrances and exits of the mobile food vendor court.
8) Mobile food vendor courts shall provide on-premises parking areas sufficient to accommodate staffing needs and seating areas.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the Conditional Use Permit as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

2. REQUEST OF JORGE L. MARTINEZ FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A FOOD TRUCK PARK AT 1 TRACT OF LAND NORTH OF RAILROAD RIGHT OF WAY BETWEEN 10th AND 11th STREETS SOUTH OF BLOCK 49, NORTH MCALLEN ADDITION, HIDALGO COUNTY, TEXAS; 1001 ASH AVENUE.

Staff recommended approval of a Conditional Use Permit and adoption of an ordinance, for one year, for a food truck park at 1001 Ash Avenue, as per Planning and Zoning Commission.

The food truck park and its vendors must comply with the requirements set forth in Section 54-51 of the Zoning Ordinance for mobile food vendors and the following specific requirements:

1) The property line of the lot must be at least 200 feet from the nearest residence or residentially zoned property.
2) The name, address, phone number and email address of a contact person who shall be available 24 hours per day, 7 days per week for the purposes of responding to complaints regarding the operation of the mobile food vendor court.
3) Mobile food vendor courts shall not operate between the hours of 2:00 AM and 7:00 AM.
4) Each mobile food vendor court shall provide access to a restroom on or within 600 feet of the property lines of the track of land on which it is situated.
5) Mobile food vendor courts must provide one (1) garbage receptacle, to hold a minimum of thirteen (13) gallons, per each vendor located on premises for public use. This requirement is in addition to the receptacles required of each individual vendor.
6) Mobile food vendors may not be placed or parking on unimproved surfaces.
7) Adequate lighting, as determined by the health Director, to enable clear and unobstructed visibility of mobile food vendors and patrons shall be provided at all entrances and exits of the mobile food vendor court.
8) Mobile food vendor courts shall provide on-premises parking areas sufficient to accommodate staffing needs and seating areas.

Mayor Pro Tem Joaquin Zamora moved to approve the Conditional Use Permit as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

D) AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN.

Mayor Pro Tem Juaquin Zamora moved to amend the Zoning Ordinance and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

E) PUBLIC HEARING FOR A VARIANCE FROM SECTION 6-2 OF THE CITY OF MCALLEN CODE OF ORDINANCES OF THE ALCOHOLIC BEVERAGE CODE, REQUEST OF CHANIDA G. TAUTHONG, AT LOT 1, ANGELA SUBDIVISION, HIDALGO COUNTY, TEXAS; 3507 NORTH WARE ROAD.

Mayor Javier Villalobos called the Public Hearing to order.

Staff recommended approval of the variance from Section 6-2 of the City of McAllen Code of Ordinances of the Alcoholic Beverage Code at 3507 North Ware Road.

Mayor Pro Tem Joaquin Zamora moved to approve the variance as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

F) PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF THE WEST 19.953 ACRES OF LOT THIRTEEN (13), SECTION TWO HUNDRED EIGHTY (280), TEXAS MEXICAN RAILWAY COMPANY'S SURVEY OF LANDS, HIDALGO COUNTY, TEXAS; 2700 SPRAGUE ROAD. (TABLED)

Said item remained tabled.

G) PUBLIC HEARING TO CONSIDER AND ADOPT THE 2022-2023 SERVICE AND ASSESSMENT PLAN (THE "SAP") FOR THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT (THE "DISTRICT"), TO CONSIDER AND ADOPT THE PROPOSED 2022-2023 ASSESSMENT ROLL FOR THE DISTRICT (THE "ROLL"), AND TO LEVY THE ASSESSMENTS, AS SPECIAL ASSESSMENTS, ON THE PROPERTIES IDENTIFIED IN THE ROLL FOR THE DISTRICT, AS REQUIRED BY AND IN COMPLIANCE WITH CHAPTER 372 INCLUDING, BUT NOT LIMITED TO SECTIONS 372.016 AND 372.017, AS AMENDED, OF THE TEXAS LOCAL GOVERNMENT CODE (THE "ACT").

Mayor Javier Villalobos called the Public Hearing to order and asked if there was anyone to speak about the proposed 2022-2023 Service and Assessment Plan.

H) PUBLIC HEARING ON THE CITY OF MCALLEN'S PROPOSED BUDGET FOR FISCAL YEAR 2022-2023.

Mayor Javier Villalobos called the Public Hearing to order and asked if there was anyone to speak about the proposed budget. Ms. Nedra Kinerk and Laurel McLeish spoke.

END OF PUBLIC HEARING

Mayor Javier Villalobos declared the Public Hearing closed.

2. CONSENT AGENDA (ALL MATTERS LISTED UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE GOVERNING BODY AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS; HOWEVER, IF DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.)

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Consent Agenda and Mayor Pro Tem Joaquin Zamora seconded. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF WORKSHOP HELD AUGUST 2nd AND SPECIAL MEETING, WORKSHOP, AND REGULAR MEETINGS HELD AUGUST 22, 2022.

Approved the minutes of Workshop held August 2nd and Special Meeting, Workshop and Regular Meeting held August 22, 2022, as submitted.

B) CONSIDERATION AND APPROVAL OF THE ACCEPTANCE OF THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) ROUTINE AIRPORT MAINTENANCE PROGRAM GRANT 2023.

Approved the acceptance of the Texas Department of Transportation (TxDOT) Routine Airport Maintenance Program Grant 2023.

C) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE EDAREN FOUNDATION FOR FUNDING UNDER THE GENERAL GRANT FUNDING CYCLE.

Approved a resolution authorizing the submittal of a grant application to the Edaren Foundation for funding under the general grant funding cycle.

D) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR (OOG), CRIMINAL JUSTICE DIVISION, FOR FUNDING UNDER THE FISCAL YEAR 2023 BULLET-RESISTANT SHIELD GRANT PROGRAM.

Approved a resolution authorizing the submittal of a grant application to the Office of the Governor (OOG), Criminal Justice Division, for funding under the Fiscal Year 2023 Bullet-Resistant Shield Grant Program.

E) ORDINANCE PROVIDING A BUDGET AMENDMENT TO RECOGNIZE REVENUES FOR THE SALE OF PROPERTY AND A TRANSFER OUT TO THE DEVELOPMENT CORPORATION FUND.

Adopted an ordinance providing for a budget amendment in the amount of $7,960,145.00 for the sale of property and a transfer to the Development Corporation Fund.

F) ORDINANCE PROVIDING FOR THE ADOPTION OF "UPDATED SERVICE CREDITS" IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM.

Adopted an ordinance providing for the adoption of "Updated Service Credits" in the Texas Municipal Retirement System.

G) ORDINANCE PROVIDING FOR AN AMENDMENT TO REVISE THE POSTED SPEED LIMIT ON TRENTON ROAD BETWEEN 2nd STREET AND CITY OF EDINBURG LIMITS.

Adopted an ordinance providing for an amendment to revise the posted speed limit on Trenton Road between 2nd Street and City of Edinburg limits.

H) CONSIDERATION AND APPROVAL FOR THE RENEWAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN REGION ONE EDUCATION SERVICE CENTER'S ADULT EDUCATION PROGRAM AND THE CITY OF MCALLEN.

Approved the renewal of the Memorandum of Understanding between Region One Education Service Center's Adult Education Program and the City of McAllen.

I) CONSENT COOP PURCHASES

1. AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) ANDROS 2463-0100 SPARTAN VEHICLE ASSEMBLY.

Awarded a contract to Peraton REMOTEC in the amount of $305,419.62 for the purchase of One (1) ANDROS Spartan Vehicle Assembly.

2. AWARD OF CONTRACT FOR THE PURCHASE OF THREE (3) SCAN SILC 2430 EOD PORTABLE X-RAY UNITS.

Awarded a contract to SCANNA in the amount of $146,400.00 for the purchase of Three (3) Scan Silc EOD Portable X-Ray Units.

3. AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) KINOVA REMOTE ROBOTIC MANIPULATOR.

Awarded a contract to Peraton REMOTEC in the amount of $65,257.00 for the purchase of One (1) Kinova Remote Robotic Manipulator.

4. AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) LDV MODEL #SS32FC-22SV MOBILE COMMAND UNIT.

Awarded a contract to LDV Inc. in the amount of $409,730.00 for the purchase of One (1) LDV Mobile Command Unit.

5. AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) LENCO BEARCAT ARMORED UNITS.

Awarded a contract to LENCO Armored Vehicles in the amount of $801,492.00 for the purchase of Two (2) LENCO BearCat Armored Units.

6. AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) GRAYKEY FIVE (5) YEAR LICENSE.

Awarded a contract to PCI TEC in the amount of $199,369.95 for the purchase of One (1) GrayKey Five Year License.

7. AWARD OF CONTRACT FOR THE PURCHASE OF ONE (1) CELLEBRITE ONE (1) YEAR PREMIUM SAAS UNLIMITED SUBSCRIPTION.

Awarded a contract to Carahsoft Technology Corp. in the amount of $60,000.00 for the purchase of One (1) Cellebrite one-year premium SAAS Unlimited Subscription.

J) CONSIDERATION AND APPROVAL TO REMOVE UNCOLLECTIBLE TAX ACCOUNTS FROM THE DELINQUENT TAX ROLL.

Approved the removal of Uncollectible Tax Accounts from the Delinquent Tax Roll.

K) APPROVAL OF TAX REFUNDS OVER $500.00.

Approved tax refunds of over $500.

1. CORELOGIC FOR ROUNDPOINT MTG.

Approved a tax refund in the amount of $2,152.25.

2. DAYSTAR OPEN MRI

Approved tax refunds in the amounts of $85.04, $38.16, $400.30, $40.03, and $399.12.

3. DILLARDS/DILLARD TEXAS SOUTH LLC

Approved a tax refund in the amount of $27,592.24.

4. GENCO ENERGY SERVICES

Approved a tax refund in the amount of $877.72.

5. H-E-B

Approved a tax refund in the amount of $1,511.33.

6. STONE VALLEY ONE LLC

Approved a tax refund in the amount of $1,375.99.

3. BIDS/CONTRACTS

A) CONSIDERATION AND APPROVAL OF FIRST AMENDMENT TO LICENSE AGREEMENT WITH AT&T.

Staff recommended approval of first amendment to the License Agreement with AT&T.

Mayor Pro Tem Joaquin Zamora moved to approve the first amendment to the agreement as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

B) AWARD OF CONTRACT FOR THE 33rd STREET ROADWAY EXTENSION FROM OXFORD AVENUE TO AUBURN AVENUE PROJECT.

Staff recommended award of contract to Halff Associates Inc. in the amount of $741,455.00 for the 33rd Street Roadway Extension from Oxford Avenue to Auburn Avenue Project.

Mayor Pro Tem Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

C) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 FOR THE 2018 BOND GROUP D DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended approval of Change Order No. 3 in the amount of $31,157.13 with an additional 105 calendar days for the 2018 Bond Group D Drainage Improvements Project.

Mayor Pro Tem Joaquin Zamora moved to approve Change Order No. 3 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

D) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE 2018 BOND GROUP A DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended approval of Change Order No. 1 in the amount of $6,800.00 for the 2018 Bond Group A Drainage Improvements Project.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve Change Order No. 1 as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

E) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 FOR THE NEW MCALLEN METRO TRANSFER STATION AND CHANGE ORDER NO. 2 FOR THE NEW PARKS AND RECREATION ADMINISTRATION.

Staff recommended approval of Change Order No. 3 in the amount of $48,481.24 for the New McAllen Metro Transfer Station and Change Order No. 2 in the amount of $3,443.75 for the new Parks and Recreation Administration Project.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the Change Orders as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

F) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 AND FINAL RECONCILIATION OF CONTRACT QUANTITIES FOR 2021 SIDEWALK & BUS STOP IMPROVEMENTS.

Staff recommended approval of Change Order No. 1 in the amount of $15,894 for the 2021 Sidewalk and Bus Stop Improvements Project.

Mayor Pro Tem Joaquin Zamora moved to approve Change Order No. 1 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

4. ORDINANCES

A) PROVIDING FOR THE INSTALLATION OF A "NO PARKING" ZONE ON TANYA AVENUE, EAST OF 23RD STREET.

Staff recommends adoption of an ordinance providing for a "No Parking" designation for Tanya Avenue along the north and south parts of the curb.

Mayor Pro Tem Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

B) **PROVIDING FOR A BUDGET AMENDMENT FOR OLD SOUTH 10TH STREET DRAINAGE IMPROVEMENT PROJECT**.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of $1,500,000 .00 for Old South 10th Street Drainage Improvements Project.

Mayor Pro Tem Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

C) **CONSIDERATION AND ADOPTION OF AN ORDINANCE APPROVING AND ADOPTING THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT ("DISTRICT") 2022-2023 SERVICE AND ASSESSMENT PLAN AND 2022-2023 ASSESSMENT ROLL FOR THE DISTRICT; ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND METHODS OF ASSESSING FOR SPECIAL BENEFITS FOR IMPROVEMENTS, MAINTENANCE, AND SPECIAL SERVICES TO PROPERTY WITHIN THE DISTRICT; LEVYING DEBT SERVICE ASSESSMENTS FOR THE COST OF IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT, MAINTENANCE ASSESSMENTS (INCLUDING AN ORDINARY MAINTENANCE ASSESSMENT AND LIMITED-BENEFIT MAINTENANCE ASSESSMENT) FOR THE COST OF MAINTENANCE AND OPERATION OF THE DISTRICT, AND SUPPLEMENTAL SERVICE ASSESSMENTS FOR THE COSTS OF PROVISION OF SUPPLEMENTAL SERVICES WITHIN THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.**

Staff recommended adoption of an ordinance approving and adopting the Tres Lagos Public Improvement District ("district") 2022-2023 service and assessment plan and 2022-2023 assessment roll for the district; establishing classifications for the apportionment of costs and methods of assessing for special benefits for improvements, maintenance, and special services to property within the district; levying debt service assessments for the cost of improvements to be provided in the district, maintenance assessments (including an ordinary maintenance assessment and limited-benefit maintenance assessment) for the cost of maintenance and operation of the district, and supplemental service assessments for the costs of provision of supplemental services within the district; fixing charges and liens against the property in the district and against the owners thereof; providing for the collection of the assessments; and providing an effective date.

Mayor Pro Tem Joaquin Zamora moved to table and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

D) **MINUTE ORDER ESTABLISHING A MORATORIUM ON MEMBERSHIPS AT CHAMPION LAKES GOLF COURSE**.

Staff recommended approval of a minute order establishing a moratorium at Champion Lakes Golf Course.

Commissioner Antonio "Tony" Aguirre, Jr. moved to adopt the minute order as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

E) **MINUTE ORDER UPDATING CERTAIN FEES AT CHAMPION LAKES GOLF COURSE.**

Staff recommended approval of a minute order updating certain fees at Champion Lakes Golf Course.

Commissioner Antonio "Tony" Aguirre, Jr. moved to adopt the minute order as recommended and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

5. VARIANCES

A) **CONSIDERATION OF A VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT A 0.32-ACRE TRACT OF LAND MORE OR LESS BEING THE NORTH 70 FEET OF THE SOUTH 165 FEET OF THE WEST 200 FT. OF LOT 57, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 7608 NORTH WARE ROAD.**

Staff recommended approval of a variance request to not require the subdivision process at 7608 North Ware Road.

Mayor Pro Tem Joaquin Zamora moved to approve the variance as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

B) CONSIDERATION OF A VARIANCE REQUEST TO THE ROW DEDICATION REQUIREMENTS FOR SOUTH 29TH STREET AT THE PROPOSED RMZ SUBDIVISION, HIDALGO COUNTY, TEXAS; 2901 COLBATH ROAD.

Staff recommended approval of Option 1, approval of variance request for a 20 ft. dedication for 40 ft. from centerline at 2901 Colbath Road.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the variance as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

6. MANAGER'S REPORT

A) ADVISORY BOARD APPOINTMENTS.

MCALLEN LIBRARY BOARD

Commissioner Rodolfo "Rudy" Castillo nominated Brittany Ash Castillo to the board.

Mayor Pro Tem Joaquin Zamora moved to accept the nomination as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

B) CONSIDERATION AND APPROVAL OF ENGAGEMENT LETTER FROM WEAVER & TIDWELL, LLP FOR THE ANNUAL AUDIT ENDING SEPTEMBER 30, 2022.

Staff recommended approval of the engagement letter from Weaver & Tidwell, LLP for the annual audit ending September 30, 2022.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the letter as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

C) REVIEW OF THE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2022.

Staff presented the Quarterly Investment Report for quarter ending June 30, 2022, and recommended acceptance of said report as per the Audit Investment Committee.

Mayor Pro Tem Joaquin Zamora moved to accept the report as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

D) RECEIVE AN ANNUAL UPDATE ON THE STATUS OF REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS (TRES LAGOS) AS REQUIRED BY SECTIONS 311.0101(C) AND 311.016 OF THE TEXAS TAX CODE AND THE INTERLOCAL AGREEMENT FOR THE ZONE.

Mr. David Earl presented the annual update on the status of reinvestment zone number one, City of McAllen, Texas (Tres Lagos) as required by sections 311.0101(c) and 311.016 of the Texas Tax Code and the Interlocal Agreement for the zone.

Mayor Javier Villalobos asked if there was anyone to speak in opposition to the items under this section of the agenda. The following individuals spoke: Ms. Cynthia Shiver, Mr. James Shiver, Mr. Shari, Mr. Jesse Sanchez, Ms. Diana Cardenas, Ann Warfield

After a lengthy discussion, Mayor Pro Tem Joaquin Zamora moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

E) DISCUSSION AND ACTION ON APPROVAL OF RATIFICATION OF ALL ACTIONS TAKEN BY MEGAN EARL AS A BOARD MEMBER (POSITION 5) OF THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT DURING HER HOLDOVER TERM, AND ACCEPTANCE OF RESIGNATION OF MEGAN EARL, POSITION 5, FROM THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT BOARD OF DIRECTORS.

Staff recommended the approval of ratification of all actions taken by Megan Earl as a board member of the Tres Lagos Public Improvement District and acceptance of resignation.

Mayor Pro Tem Joaquin Zamora moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

F) DISCUSSION AND ACTION ON APPROVAL OF BOARD MEMBER REAPPOINTMENT OF MIKE RHODES (POSITION 1) TO THE REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS ZONE BOARD, FOR A TWO-YEAR TERM BEGINNING MARCH 3, 2022, AND ENDING MARCH 2, 2024, AND RATIFICATION OF ALL PAST ACTIONS TAKEN BY SAID BOARD MEMBER WHEN ACTING IN HIS HOLDOVER TERM AS A BOARD MEMBER FOR THE ZONE.

Staff recommended the reappointment of Mike Rhodes to the board.

Mayor Pro Tem Joaquin Zamora moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

G) DISCUSSION AND ACTION ON ACCEPTANCE OF RESIGNATION OF MEGAN EARL, POSITION 2, FROM THE REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS ZONE BOARD.

Staff recommended the acceptance of Megan Earl's resignation from the Reinvestment Zone Number One Board.

Mayor Pro Tem Joaquin Zamora moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

H) DISCUSSION AND ACTION ON APPROVAL OF BOARD MEMBER APPOINTMENT OF JON RHODES TO FILL THE VACANCY IN POSITION 2 TO THE REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS ZONE BOARD, FOR THE UNEXPIRED TERM ENDING MARCH 2, 2023.

Staff recommended the appointment of John Rhodes to the board.

Mayor Pro Tem Joaquin Zamora moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

I) DISCUSSION AND ACTION ON APPROVAL OF BOARD MEMBER REAPPOINTMENT OF JAIME GONZALEZ (POSITION 3) TO THE REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS ZONE BOARD, FOR A TWO-YEAR TERM BEGINNING MARCH 3, 2022, AND ENDING MARCH 2, 2023, AND RATIFICATION OF ALL PAST ACTIONS TAKEN BY THE SAID BOARD MEMBER WHEN ACTING IN IN HIS HOLDOVER TERM AS A BOARD MEMBER FOR THE ZONE.

Staff recommended the reappointment of Jaime Gonzalez to the board.

Mayor Pro Tem Joaquin Zamora moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

J) DISCUSSION AND ACTION ON APPROVAL OF BOARD MEMBER REAPPOINTMENT OF MAYOR JAVIER VILLALOBOS (POSITION 6) TO THE REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS ZONE BOARD, FOR A TWO-YEAR TERM BEGINNING MARCH 3, 2021, AND ENDING MARCH 2, 2023, AND RATIFICATION OF ALL PAST ACTIONS TAKEN BY THE SAID BOARD MEMBER WHEN ACTING IN HIS IN HIS HOLDOVER TERM AS A BOARD MEMBER FOR THE ZONE.

Staff recommended the reappointment of Mayor Javier Villalobos to the board.

Mayor Pro Tem Joaquin Zamora moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

K) DISCUSSION AND ACTION ON APPROVAL OF BOARD MEMBER REAPPOINTMENTS OF MIKE RHODES (POSITION 1) AND JAIME GONZALEZ (POSITION 3) TO THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT BOARD, FOR A TWO-YEAR TERM BEGINNING APRIL 16, 2022, AND ENDING APRIL 15, 2024, AND RATIFICATION OF ALL PAST ACTIONS TAKEN BY THE SAID BOARD MEMBERS WHEN ACTING IN THEIR HOLDOVER TERMS AS BOARD MEMBERS FOR THE PID.

Staff recommended the reappointment of Mike Rhodes and Jaime Gonzalez to the board.

Mayor Pro Tem Joaquin Zamora moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

L) DISCUSSION AND ACTION ON APPROVAL OF BOARD MEMBER REAPPOINTMENTS OF MISTY MARTIN (POSITION 2) AND NICK RHODES (POSITION 4) TO THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT BOARD, FOR A TWO-YEAR TERM BEGINNING APRIL 16, 2021, AND ENDING APRIL 15, 2023, AND RATIFICATION OF ALL PAST ACTIONS TAKEN BY THE SAID BOARD MEMBER WHEN ACTING IN THEIR HOLDOVER TERMS AS BOARD MEMBERS FOR THE PID.

Staff recommended the reappointments of Misty Martin and Nick Rhodes to the board.

Mayor Pro Tem Joaquin Zamora moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

M) DISCUSSION AND ACTION ON APPOINTMENT OF NICK RHODES (POSITION 5) AS CHAIRMAN, TO THE REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS ZONE BOARD, FOR A ONE-YEAR TERM, PURSUANT TO SECTION 311.009(F) OF THE TEXAS TAX CODE, BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023.

Staff recommended the reappointment of Nick Rhodes to the board.

Mayor Pro Tem Joaquin Zamora moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

N) DISCUSSION AND ACTION ON APPROVAL OF THE APPOINTMENT OF JON RHODES TO FILL THE VACANCY IN POSITION 5, TO THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT BOARD OF DIRECTORS, FOR A TWO-YEAR TERM BEGINNING SEPTEMBER 12, 2022, AND ENDING SEPTEMBER 11, 2024.

Staff recommended the appointment of Jon Rhodes to the board.

Mayor Pro Tem Joaquin Zamora moved to table said item and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

O) IMMIGRATION AND RESPITE CENTER REPORT.

Presented immigration and respite center updates and answered questions.

P) FUTURE AGENDA ITEMS.

Items of upcoming workshops were reviewed as follows: Commemorative plaque for Forer Police Chief Alex Longoria

7. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).

A) CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)

Mayor Pro Tem Joaquin Zamora moved to authorize City Manager and City Attorney to offer economic development incentives described in executive session and to execute such agreements memorializing the same and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

B) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OR REAL PROPERTY, TRACT 1. (SECTION 551.087, T.G.C.)

7B1 - Commissioner Jose R. "Pepe" Cabeza de Vaca moved to authorize City Attorney to obtain an appraisal for the parcel of property and to sell the same in accordance with requirements of state law and seconded by Mayor Pro Tem Joaquin Zamora. The motion carried unanimously by those present.

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 7B-2 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

7B-2 – Mayor Pro Tem Joaquin Zamora moved to authorize City Attorney to obtain an appraisal of the excess part of tract 2 and sell the same parcel/excess part of the tract in accordance with requirements of State Law and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

C) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LITIGATION MATTERS. (SECTION 551.071, T.G.C.)

No action.

D) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO ALCOHOL PERMITS. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Joaquin Zamora move to authorize City Attorney to file a protest to an alcohol permit application as described in executive session and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

ADJOURNMENT

Without objection the meeting was adjourned at 7:00 p.m.

Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC/~~CMC~~, CPM
City Secretary